

CUSTOMER NUMBER 25268

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Call et al. Attorney Docket No: MESO0072

Serial No: 10/790,936 Group Art Unit: 1797

Filed: March 1, 2004 Examiner: Alexander Lyle

TITLE: METHOD AND DEVICES FOR CONTINUOUS SAMPLING OF AIRBORNE PARTICLES USING A REGENERATIVE SURFACE

**TERMINAL DISCLAIMER TO OBViate A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

TO THE COMMISSIONER FOR PATENTS:

Your petitioner, MesoSystems, Inc, is owner of the entire interest of U.S. Patent No. 7,265,669 and of U.S. Patent Application Serial No. 10/791,189 and of the above-identified application by an assignment of the inventors of the above-identified patent application.

Assignment of U.S. Patent No. 7,265,669 was recorded in the United States Patent and Trademark Office at Reel 015545, Frame 0115 and at Reel 019428, Frame 0358. A copy of the recorded assignment are attached hereto.

Assignment of U.S. Patent Application Serial No. 10/791,189 was recorded in the United States Patent and Trademark Office at Reel 015551 at Frame 0220. Copies of the recorded assignments are attached hereto.

Assignment of the above-identified patent application was recorded in the United States Patent and Trademark Office at Reel 015622, Frame 0345. A copy of the recorded assignment is attached hereto.

The undersigned has reviewed the documents in the chain of title of the above-identified patent application, and to the best of the undersigned's knowledge and belief, title is in the assignee identified above.

The owner, MesoSystems, Inc, of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of U.S. Patent No. 7,265,669 and of any patent granted on U.S. Patent Application Serial No. 10/791,189.

1 The owner hereby agrees that any patent so granted on the instant application shall be enforceable
2 only for and during such period that it and the prior patent and any patent granted on U.S. Patent
3 Application Serial No. 10/791,189 are commonly owned. This agreement runs with any patent
4 granted on the instant application and is binding upon the grantee, its successors or assigns.

5 In making the above disclaimer, the owner does not disclaim the terminal part of any patent
6 granted on the instant application that would extend to the expiration date of the full statutory term
7 as defined in 35 U.S.C. 154 to 145 and 173 of U.S. Patent No. 7,265,669 and of any patent granted
8 on U.S. Patent Application Serial No. 10/791,189, as presently shortened by any terminal disclaimer,
9 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found
10 invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally
11 disclaimed under 37 C.F.R. 1.321, has all claims cancelled by a reexamination certificate, is
12 reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently
13 shortened by any terminal disclaimer.

14 X 1. For submissions on behalf of an organization (e.g., corporation, partnership, university,
15 government agency, etc.), the undersigned is empowered to act on behalf of the organization.

16 I hereby declare that all statements made herein of my own knowledge are true and that all
17 statements made on information and belief are believed to be true; and further that these statements
18 were made with the knowledge that willful false statements and the like so made are punishable by
19 fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that
20 such willful false statements may jeopardize the validity of the application or any patent issued
21 thereon.

22 X 2. The undersigned is an attorney of record.

23 The terminal disclaimer fee of \$130 under 37 C.F.R. 1.20(d) will be paid by credit card
24 during electronic submission. Please charge any additional fees or credit any overpayment to
25 deposit account No. 01-1940.

26 Respectfully submitted,

27 MesoSystems, Inc.

28 /mike king/

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31 Attorney for Applicant

Date: April 24, 2008